



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 4070-00

28 September 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 9 December 1942. The record shows that your father granted permission for you to enlist and certified that you were born on 29 November 1925.

During 1943, you received nonjudicial punishment on two occasions and were convicted by a deck court. Your offenses were two periods of unauthorized absence totaling about five hours, shirking duty and insubordination. A general court-martial convened on 8 January 1944 and convicted you of four specifications of assaulting civilians with a dangerous weapon (a tire iron) and unauthorized use of a motorcycle. The court sentenced you to reduction to apprentice seaman, forfeiture of all pay and allowances, confinement at hard labor for six months and a bad conduct discharge. On 19 July 1944 you were restored to duty on 12 months probation. You then served overseas until 10 March 1945. On 4 July 1945 you received nonjudicial punishment for an unauthorized absence of about nine days and your probationary period was termination. The bad conduct discharge was issued on 25 July 1945.

potentially mitigating factors, such as your period of overseas service and your contention that you were only 15 years old when you enlisted in the Navy and that you have been a good citizen for many years. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your disciplinary record, conviction by a general court-martial of serious offenses and especially your violation of probation. The Board was aware that you were very close to completing your probationary period at the time the probation was terminated. As indicated, there is no evidence in the record, and you have submitted none, to support your contention that you were 15 years old when you enlisted in the Navy. Although you have not submitted any evidence to support your contention that you have been a good citizen since discharge, the Board was aware that the Federal Bureau of Investigation has reported that you have no arrest record with that Agency. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director